



# MIKE DEWINE

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The Honorable Kevin Bacon  
Chairman, Senate Judiciary Committee  
1 Capitol Square, Statehouse Rm 035  
Columbus, Ohio 43215

Dear Chairman Bacon,

Thank you for the opportunity to provide a letter in support of House Bill 4, legislation sponsored by Representative Cupp and Representative Rogers.

For sentencing purposes, House Bill 4 would include a compound, mixture, preparation, or substance containing cocaine in the drug trafficking or possession offense. This clarification in the law is needed following a recent decision by the Ohio Supreme Court in *State v. Gonzales* that requires a quantification of the purity of the cocaine mixture.

Just this week, the Ohio Supreme Court granted reconsideration in *State v. Gonzales* and reversed their decision, however I still believe this legislation is necessary to bring clarity and consistency to these drug statutes.

To provide quantification services for cocaine in BCI laboratories, the initial startup cost would be roughly \$725,000. In addition to that, there would be a recurring annual cost of roughly \$370,000 for supplies, consumables, training, and forensic scientist salaries. On average, BCI receives about 500 or half of the total estimated cases statewide each year. As cocaine use is on the rise in Ohio, this number could continue to climb, which would increase the annual cost to BCI or to another lab perform such testing.

BCI's labs are already seeing more and more drug evidence due to the opioid epidemic. The extreme burden cocaine quantification puts on laboratories throughout the state would increase the time it takes for law enforcement to identify dangerous drugs and apprehend the criminals who distribute them. However, passing House Bill 4 to clarify the language to include compounds and mixtures would be a straightforward solution to this situation and would save crime labs across Ohio time and money.

I strongly encourage the General Assembly to pass this bill with an emergency clause. I understand that there are several amendments being offered by the sponsors to clarify the General Assembly's intent that a compound, mixture, preparation or substance containing other certain drugs are also included in possession or trafficking statutes – I support such amendments. Thank you for your leadership and the opportunity to address this important issue.

Very respectfully yours,

Mike DeWine  
Ohio Attorney General